

E-filed 11/18/05

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

EDWARD L. SCARFF,
Plaintiff,
v.
JACKSON NATIONAL
INSURANCE CO, et al.,
Defendants.

Case No. CV-03-3850-JF
ORDER OF DISMISSAL

The parties hereto, by their counsel, have advised the Court that they have agreed to a settlement of this case.

IT IS HEREBY ORDERED that this cause be dismissed with prejudice; however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing ORDER SHALL STAND VACATED and this cause shall forthwith be restored to the calendar to be

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2 set for trial.
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5 DATED: 11/18/05

6 /s/electronic signature

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8 JEREMY FOGEL
9 United States District Judge
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